



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

April 7, 1980

Address Reply to the
Division Indicated
and Refer to Initials and Number

AARyan:nw
146-2-47-G.12

Mr. J. Esquire
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. J.

I am glad that we could meet, with our respective staffs, last week. Over the next few years, I am sure that several cases under our cognizance will be of interest to your Agency, and it is appropriate that we establish direct channels of communication sooner rather than later.

As I said at our meeting, the disclosure that your Agency has had the V-30 document since 1953 places the case under discussion in an entirely new light. The eventual outcome, whatever it may prove to be, will almost certainly result in severe public embarrassment to the United States Government and in particular to the Department of Justice. It is an embarrassment that we could have avoided if we had adequate notice of the existence of the document prior to filing the complaint.

Mr. J. said that the manila envelope was in the file at that time; Mr. Lynch of my staff says he recalls seeing no such envelope. I have no reason to doubt Mr. J.'s word; at the same time, I am sure Mr. Lynch reviewed the file diligently. I would like to suggest a procedure for future use that hopefully will prevent such an incident from recurring.

When you provide us with a file from which the third-agency documents have been removed, I propose that you also provide a list of such documents, specifying, for each document, the name of the third agency, the date of the document, the caption (or a brief description) of the document, the sender and the receiver, the classification, if any, and the present location of the CIA's copy.

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Using this proposed method, your agency's adherence to the third-agency rule (a rule I have no quarrel with) will be preserved without undue effort, and at the same time we will be clearly informed of the presence of third-agency documents and the means to locate them from that agency. This is the method the FBI uses to comply with the third-agency rule, and it has worked smoothly. I think it is distinctly preferable to the present manila-envelope method and, considering the stakes involved, I think it is worth the slight additional time necessary. I trust you will agree that it is in both the Agency's interest and ours not to risk the chance that a crucial document may be missed.

I would of course welcome the opportunity to discuss this method--or others--with you. Whatever the method adopted, however, I think it should be clearly understood at both ends.

There is one other matter that I should bring to your attention. On February 19, in our office, [redacted] and I agreed that the following procedures will be used to coordinate name checks between OSI and CIA. At about the time that we open a file on a named individual, we will send his name and date and place of birth to CIA with a request that you notify us if you have any interest in the individual. CIA will run the name promptly through its operations and security files and notify us whether it has any interest. If the answer is yes, OSI and CIA will meet to discuss the details. If the answer is no, we will develop the case for possible prosecution.

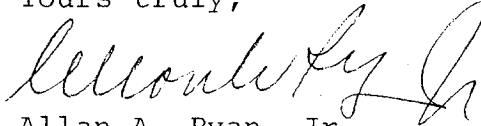
If the case ultimately looks like one we will bring to court, we will notify CIA so that a check of the less sensitive files can be conducted, a process that, as [redacted] explained it to me, must be done manually and is, in any event, unlikely to reveal material information. The purpose of this second check is simply to determine whether the defendant-to-be has any connection whatever with the Agency, so that we may be aware of possible graymail claims.

I made clear to [redacted] and he readily agreed, that the second check could not be merely a last-minute opportunity to disclose sensitive information that should be brought to our attention in response to the initial inquiry. It is my understanding, in short, that this second check will not normally produce material that might precipitate an objection by your Agency to the prosecution of a case. We fully appreciate your need for secrecy; on the other hand, we must know as early as possible whether that need is present in a given case so that we may learn the details to the fullest extent and begin the review procedures leading to a final resolution.

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I am satisfied that this understanding will serve our needs; I assume the Agency feels the same. [] has been more than willing to work out reasonable resolutions to problems as they arise, and I appreciate that. I have done my best to reciprocate, and have instructed my staff to do likewise in its dealings with the Agency. We will be working together indefinitely, and I hope that we will do so in an atmosphere of mutual trust and cooperation.

Yours truly,



Allan A. Ryan, Jr.
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cc: E []
Central Intelligence Agency